IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 128 OF 2006
IN
ARBITRATION PETITION NO. 308 OF 2004

Mrs. Heena Jatin Desai.] .. Appellant (Ori.Petitioner)

Versus

1. A.C. Chokshi Share Broker Pvt. Ltd. and Anr.] .. Respondents (Ori.Respondents)

Mr. Pravin Samdani, senior counsel i/b M/s. Purohit & Co. for the appellant.

Mr. Dipika Chokshi, Director of A.C. Chokshi Share Broker Pvt. Ltd. present in person.

CORAM: R.M. LODHA &
ANOOP V. MOHTA, JJ.

DATED: 02ND MARCH, 2006

P.C. :

. The learned senior counsel for the appellant submitted that the husband's Appeal No.126 of 2006 has been admitted by us today and therefore this Appeal which arises from the same order be admitted.

2. We are not impressed by the argument. We admitted Appeal No.126 of 2006 because we found substance *prima facie* in the argument of the learned counsel in that Appeal that there was no agreement

between the appellant and the broker. Insofar as the present Appeal is concerned, there is a written agreement between the appellant and the broker and, therefore, the consideration of the matter by the learned Single Judge does not suffer from any infirmity wanting interference in the Appeal.

3. Appeal is dismissed in limine.

Sd/-
[R.M. LODHA, J.]

Sd/-
[ANOOP V. MOHTA, J.]